

*SF Small Business Advisory  
Comm.*

# IDE TO STARTING

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# GUIDE TO STARTING

## A SMALL BUSINESS

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# ► Introduction

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More small businesses are starting up in San Francisco than anywhere in the nation. 588 new businesses started in the six months ending in June 1987, up 16.4% from last year. It is important for these businesses to start operating with all legal and regulatory requirements met. All too often people who want to start a business must search for accurate information about local, state and federal requirements in several different places. The purpose of this booklet is to describe the legal requirements for starting and operating a small business in San Francisco.

This booklet has been a project of the Small Business Advisory Commission, and the Mayor's Office of Housing, Economic Development and Small Business. Special thanks to Pacific Bell for making this Booklet possible.

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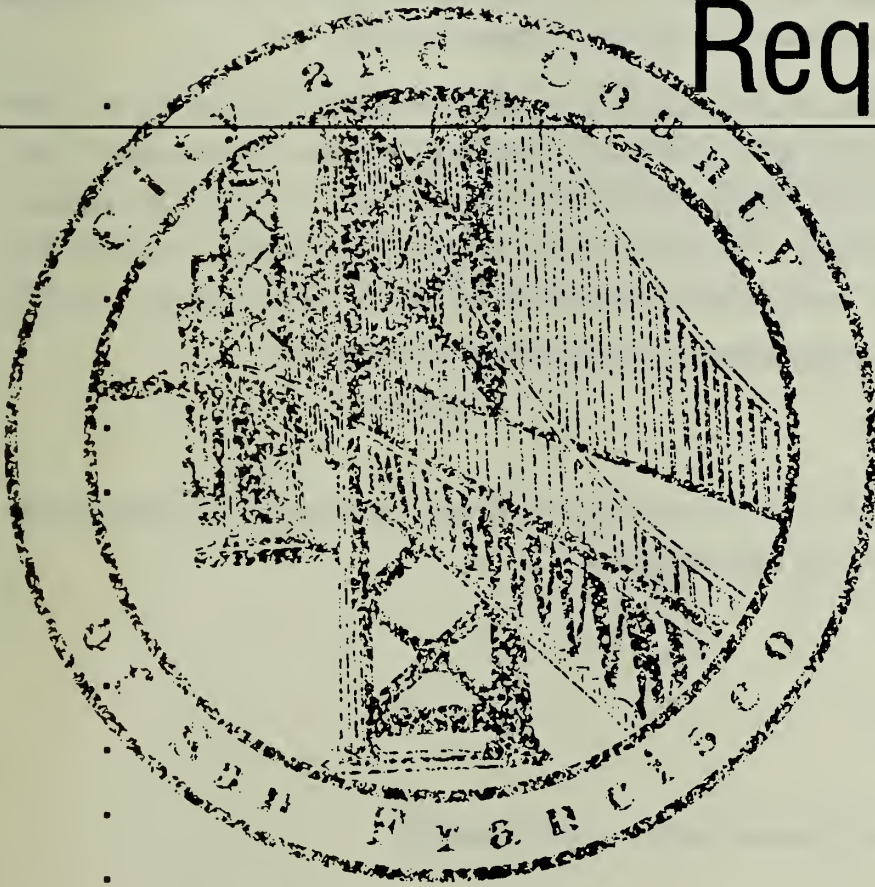
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# ► Local Requirements

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# Fictitious Business Name Registration

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## Who Has to Do It?

- Every business owner who is not using their own name must register a Fictitious Business Name with the County Clerk. People who go into business and use their own name do not need to register their name with the County Clerk.
- Example: **John Smith** does not need to register
- **John Smith's Burgers** does need to register.

## How Do I Do It?

- The County Clerk's Office handles Fictitious Business Name applications. First, you must check the Fictitious Business Name Index to see that no one else is using your proposed name, then fill out a form for your name. It costs \$10 to file.
- You must file within 40 days of starting your business. In addition to filing, you must also publish your Fictitious Business Name in a newspaper. It must run once a week for four consecutive weeks. You must also send proof of publication to the County Clerk within 30 days after publication is completed. Many newspapers are familiar with publication requirements for Fictitious Business Name and will take care of it for you for a fee. The names of approved newspapers are in the application instructions.

## What Happens If I Don't Do It?

- Your competition could use your name or you can be sued by someone who is already using that name.

## Where Do I Go?



### County Clerk

- Room 317
  - City Hall
  - San Francisco, California 94102
- 415 • 554-4167

# Business Tax Registration

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## Who Has to Do It?

- Every business doing business in San Francisco must register with the Tax Collector and
- file an annual tax statement whether or not you owe local business taxes.
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## How Do I Do It?

- Before you open your business to the public, you should go to the Tax Collector's
- Office in Room 107 of City Hall to fill out a **Payroll and Business Tax** application.
- The Tax Collector's Office will help you figure out what business category you fall
- into and explain how the payroll and business tax is computed for your business.
- You will receive a **Business Registration Certificate** at your business within 6
- weeks of filling out the application. Once you receive the Certificate, you must post
- it where the public can easily see it.
- 
- However, you can start your business before you receive the Business Registration
- Certificate.
- 
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# Business Tax Registration

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## What Happens If I Don't Do It?

- The Tax Collector's Office employs investigators who can check to see that
- your certificate is displayed properly. If the Tax Collector discovers that you
- are not paying payroll or business taxes to the City, you will be assessed a
- penalty and charged for back taxes. Frankly, even if the Tax Collector does
- not check, if you cannot show that you are current on your taxes, it will be
- difficult for you to get a business loan from a lending institution.

## Where Do I Go?



### Tax Collector – Business Tax Division

- Room 107
- City Hall
- San Francisco, California 94102

415 • 554-4426

# Business License

## Who Has to Do It?

- Businesses are regulated by separate City Departments. Most businesses will require a local license. Some businesses will also require State licenses, but check with the City first.

## How Do I Do It?

- You must find out from the Tax Collector - License Division if your business is one that requires a local license or permit. A business sometimes has to pass a number of inspections to receive a permit or license to conduct business. The Tax Collector will tell you which City department or departments are responsible for your type of business.
- You must then contact that department and fill out their required application form(s). The department will also explain any additional procedures required before you begin operating your business. Depending on the type of business and licensing requirements, fees vary.

## What Happens If I Don't Do It?

- If the City discovers that you are operating a business without a license, you can be charged a penalty or forced to close your business. Even if you are operating out your home, your neighbors might complain and the City can charge penalties.



# Business License

## Where Do I Go?

### ► Tax Collector - License Division

- Room 107
  - City Hall
  - San Francisco, California 94102
- 415 • 554-4460

### ► For food service businesses, laundries:

- *First telephone* **Department of Public Health**
  - 101 Grove Street
  - San Francisco, California 94102
- 415 • 554-4731
- They will then refer you to the appropriate health center in charge of the
  - location for your business.

### ► For taxi cabs, tour guides, massage parlors, dance halls, places of entertainment:

- **Police Department**
  - 850 Bryant Street
  - Room 458
  - San Francisco, California 94103
- 415 • 553-1115

### ► For gas stations:

- **Fire Department**
  - 260 Golden Gate Avenue
  - Room 327
  - San Francisco, California 94102
- 415 • 861-8000 Ext: 310

### ► For apartment houses, hotels:

- **Department of Public Works**
  - 450 McAllister Street
  - San Francisco, California 94102
- 415 • 558-6220

## Who Has to Do It?

- Before deciding where to locate your business, you should check with the Department
- of City Planning's Zoning Counter to make sure that your type of business is permitted
- to operate in that location. Even if you intend to operate your business out of your
- home, check with City Planning to make sure that it is allowed.
- 

## How Do I Do It?

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- The Zoning Counter at the Department of City Planning is open from 8:30 to 12:30 pm
- and from 1:30 to 5 pm, Monday through Friday. Although there is a phone number
- available, it is a good idea to inquire in person. If you have a specific address in mind or
- just a general neighborhood location, the Zoning staff will be able to tell you whether
- your type of business will be permitted.
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# Zoning

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## What Happens If I Don't Do It?

If you locate in an area where your type of business is not permitted, your neighbors and other businesses may complain, and you could be forced to leave that location, or the City could send out an inspector who could determine that you are illegally operating a business and force you to close the business. You would lose your rent deposit and, any improvements you may have made.

## Where Do I Go?



### Department of City Planning

#### Zoning Counter

450 McAllister Street

5th Floor

San Francisco, California 94102

415 • 558-6377



# ► State Requirements

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# Licensing

## Who Has to Do It?

- While just about every business must get a local license, many businesses do not have to get a state license. To find out whether your business requires a state license, call the **California Department of Commerce, Office of Small Business** at 916 • 445-6545.
- If you know that you will need a state license, call the board in Sacramento in charge of licensing your type of business and they will send you an application. Look in the white pages of the phone book under **State Government Offices**, then under the board that applies to your business. There are over 40 bureaus that handle licensing.

### ▶ The following businesses definitely **do require** state licensing.

- |                                    |                            |
|------------------------------------|----------------------------|
| • Accounting                       | • Family Counselors        |
| • Alcohol Sales                    | • Investigators            |
| • Architecture                     | • Law                      |
| • Barbers                          | • Medicine                 |
| • Cemeteries and Funeral Directors | • Nursing                  |
| • Chiropractors                    | • Optometry                |
| • Collections                      | • Osteopaths               |
| • Contractors                      | • Pest Control             |
| • Cosmetology                      | • Pharmaceutical Practices |
| • Dentistry                        | • Ship Brokers             |
| • Dogs for the Blind               | • Shorthand Reporters      |
| • Electronic Repairs               | • Social Work              |
| • Engineering                      | • Veterinarians            |



# Licensing

## How Do I Do It?

- If you discover that your business requires a license, contact the appropriate board and
- they will send you an application. Fill it out and mail it back to Sacramento with a check
- for the fee. Fees can vary from \$40 to \$100.
- 
- A written or oral examination is required for some professions before a license can be
- issued. Some have education or experience requirements. The state bureau handling
- your occupation can tell you about these requirements. Usually licenses are issued for 1
- to 2 years.
- 
- Sometimes, an inspector will visit your business and issue a license or reject your
- application.
- 

## What Happens If I Don't Do It?

- The truth is that there probably are many unlicensed businesses, especially
- businesses operating out of the home. But, if a complaint is received about
- your business, it will be investigated either by the local district attorney's or
- the State Attorney General's office. If it is found that your business is not
- licensed and should be, you will be in violation of state law and will be fined
- and perhaps prosecuted.
- 

## Where Do I Go?

- ▶ **California Department of Commerce**
- **Small Business**
- 112 L Street
- Suite 600
- Sacramento, California 95814      916 • 445-6545
-

# Sales & Use Tax and Seller's Permit

## Who Has to Do It?

- If you intend to sell or lease goods, chances are you will have to get a Seller's Permit (also called "resale numbers.")
- **The State Board of Equalization, 415 • 557-1877** will tell you if your business is exempt.
- Besides registering you as a seller, a seller's permit gives you the right to buy goods for resale without paying sales tax to your suppliers. Of course, you are not allowed to use your seller's permit to make tax free purchases of goods for personal purposes or to buy office supplies, tools or equipment.

## How Do I Do It?

- First, do not start this procedure until you have at least a preliminary business plan, a proposed location and a personal financial statement. This should be one of the final stages in your process of starting a business.

► **GO to the State Board of Equalization Office IN PERSON**  
350 McAllister Street  
Room 2262  
San Francisco, CA 94102

- It is **not** possible to make an advance appointment, but the chances are excellent of completing all required forms in half an hour if you arrive between the hours of 8:00 to 9:30 a.m. and you have the following information:
- ► credit information including bank account or 3 references
- ► type of business
- ► fictitious business name (if applicable)

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# Sales & Use Tax and Seller's Permit

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- ▶ owner's names
- ▶ owner's social security number and driver's license number
- ▶ business location
- ▶ location where business records will be kept
- ▶ projected opening day of business
- ▶ corporate officers (if applicable)
- ▶ number of employees
- ▶ projected average monthly sales
- ▶ projected overhead (rent, utilities, payroll, etc.)
- 
- An interviewer will wait on you and help you complete the forms for a seller's permit.
- 
- You will get a copy of the application and a permit with your account number. The permit
- must be displayed at your business. It identifies you as a business collecting sales tax.
- You will also be given a set of sales tax rules and other information relating to your type of
- business.

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# Sales & Use Tax and Seller's Permit

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· There is no fee for a Seller's Permit, but you may be required to post a security deposit to  
· insure the payment of the 6.5% sales tax. If you intend to operate your business out of  
· your home, the Board will not require a deposit. The amount required will vary depending  
· on the amount of your expected sales receipts; whether you report monthly or quarterly;  
· or on the state of your credit. The minimum deposit will be \$100 and can be as high as  
· \$10,000 or more. You don't have to post the deposit at the time of application for a  
· Seller's Permit. If you don't want to tie up your own money or you can't afford the  
· deposit, you can often purchase a sales tax bond from an insurance company, a bank or  
· a lending company. The Board will give you a form to take to the bonding institution who  
· will, in turn, send it back to the Board.

· Tax returns will be mailed to you. You file these returns monthly, quarterly, or yearly, as  
· directed. It is probably a good idea to get some initial instruction in how to prepare these  
· forms. Someone at the Board can help you or you may wish to consult an accountant.  
· You have to file a return, whether or not you made any sales during the filing period.

► **Note:** While at the State Board of Equalization, you will be automatically registered with  
· the Employment Development Department if you have employees and have not  
· previously registered with EDD. The Board will provide you with a copy of the employer's  
· tax guide. EDD will send you a copy of your employer's tax forms and a booklet on how to  
· fill it out.

# Sales & Use Tax and Seller's Permit

## What Happens If I Don't Do It?

- **Don't Get Seller's Permit:** If the State Board of Equalization finds out that
- you are operating without a Seller's Permit, you will have to pay a penalty of
- \$500 or 10% of the tax due, whichever is greater.
- **Don't Pay Sales Tax:** You will have to pay back the taxes due with a 25%
- penalty plus interest and/or have your permit revoked.
- As an aspiring small business owner with limited time and cash resources,
- you might be tempted to avoid the whole Sales Permit and tax procedure by
- paying sales tax for your purchases and hoping the state doesn't have
- enough inspectors and auditors to ever find you. However, aside from the
- stiff penalties for getting caught, you will find it very difficult to get bank
- financing because many banks will ask for verification that you are current
- on your taxes and to see that your return matches your income statement.

## Where Do I Go?

- ▶ **State Board of Equalization**
- 350 McAllister Street
- Room 2262
- San Francisco, California 94102      415 • 557-1877



# Workman's Compensation Insurance

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## Who Has to Do It?

- Worker's Compensation Insurance covers your employees for work-related injuries, illness or death. All employers are required to carry this insurance. Premiums are based upon type of business and payroll size. Your premiums will increase as your payroll increases. Premiums vary a great deal depending upon the occupation. For example, Worker's Compensation Insurance for a roofer is about ten times higher than for a retail clerk.
- 

## How Do I Do It?

- You need to contact the California Industrial Relations Department and they will either issue you a policy or you can go to any insurance company that issues Workman's Compensation Insurance.
- 

## Where Do I Go?



### **State Compensation Insurance Fund**

- 1275 Market Street
- Room 239
- San Francisco, California 94103      415 • 565-1344
- 

## What Happens If I Don't Do It?

- If an employee gets hurt on the job or gets a work related injury and files a claim with the State, you are responsible for all costs associated with that claim. In addition, the Labor Commission can charge you a penalty or even shut down your business.
-

# Withholding State Disability Insurance, Withholding State Personal Income Tax, State Unemployment Insurance & Employment Training Tax

## Who Has to Do It?

Businesses who hire employees must comply with specific state requirements for taxes and insurance. According to the IRS, an employee is, "Anyone who performs services that can be controlled by an employer." This means that even home workers, such as maids and cooks are employees. People in business for themselves are not employees.

The following requirements apply only to businesses who hire workers:

**Withholding State Disability Insurance:** Covers employees for non-occupational illness and/or injury.

**Withholding State Personal Income Tax:** Based upon the number of deductions your employee requests on **Federal Form W-4**, you need to withhold a portion of their wages and send these funds to the State on a quarterly basis.

**State Unemployment Insurance:** Covers employees for periods of unemployment which are not their fault, such as business slowdown or seasonality. The employer tax rate depends upon your business's previous employment history.

**Employment Training Tax:** A contribution of .1% of your quarterly unemployment tax is taken for an Employee Training Program that can be used by any employer to re-train employees.

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# Withholding State Disability Insurance, Withholding State Personal Income Tax, State Unemployment Insurance & Employment Training Tax

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- As an employer, you need to register with the Employment Development Department
- within 15 days after paying more than \$100.00 in wages per calendar quarter to an
- employee. If you have already applied to the State Board of Equalization for a State
- Sales Tax Permit, your application to EDD has been made. In addition to registering
- with EDD, you must keep employee work records and post printed materials at the
- work site.
- 

## How To Do It?



**Either call 415 • 557-1662**

**or stop by the Employment Development Department**

745 Franklin Street

Room 302

San Francisco

to get application Form DE 1. Also of help are the guide books  
(Forms DE 44 and DE 4525).

## What Happens If I Don't Do It?

- If you do not deduct for State Disability Insurance and Personal Income Tax
- from your employees' pay checks, the chances are pretty good that you will
- be found out. You will then be responsible for paying these costs yourself,
- including interest and penalty charges. There are also penalties and
- interest charges for late payments.
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# ► Federal Requirements

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# Where to Start

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## Who Has to Do It?

- All businesses have to file tax returns. In addition, you may have to report certain
- business information to the IRS and in some cases withhold employee taxes.
- 

## How Do I Do It?

- There are four kinds of federal business taxes: Income tax
- Self Employment Tax
- Excise Tax
- Employment Tax
- 
- Before you could pay your tax you need to apply for a Taxpayer Identification Number. For
- all federal tax requirements you should contact:
- 

### ▶ Internal Revenue Service

- Federal Building, Main Floor
- 450 Golden Gate Avenue
- San Francisco, California 94102      415 • 839-1040
- 

- There are several publications helpful to small businesses that you might want to pick up
- from the IRS to give you the general requirements and to help you in developing a system
- for on-going reporting.
- 

• **Publication 334** *Tax Guide for Small Business*

• **Publication 583** *Information for Business Taxpayers*

• **Publication 552** *Recordkeeping for Individuals and a List of Tax Publications*

• **Publication 509** *Tax Calendar*

-



# Taxpayer Identification Number

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## Who Has To Do It?

- A taxpayer identification number is either your Social Security Number (SSN) or your
- Employer Identification Number (EIN). Most small businesses need an employer
- identification number even if they do not have employees. Though you might not need
- an EIN for tax purposes, you might need it for licensing and other administrative
- procedures.

## How Do I Do It?

- To get your EIN you need to file **Form SS-4** Application for Employer Identification
- Number with the Internal Revenue Service. All the forms are available at the IRS at the
- address mentioned above.
- *For more information, see Publication 583 Information for Business Taxpayers.*

# Federal Business Income Tax

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## Who Has To Do It?

Every type of business has to file business income tax.

► Corporations pay tax separate from shareowners.

► Sole Proprietorship, General Partnership, and Subchapter S Corporations are taxed as an individual.

Since most small businesses are Sole Proprietorships or Partnerships, you probably need to focus on these two listings.

► **Sole Proprietorships file Form 1040 U.S. Individual Income Tax Return.**

*which includes* **Schedule C, Form 1040**

Profit or (Loss) from Business or Profession

**Schedule SE, Form 1040**

Computation of Social Security Self Employment Tax

# Federal Business Income Tax

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- ▶ **Partnerships** file **Form 1065** U.S. Partnership Return of Income.
  - *For information, see Publication 541 Tax Information on Partnerships.*
  - Each partner files his or her regular U.S. Individual Income Tax Form 1040
  - *but includes:* **Schedule K-1, Form 1065**
  - Partner's Share of Income, Credits and Deductions, etc.
  - *Information on Schedule K-1, Form 1065 is available at the IRS.*
  
- ▶ **Corporations** file **Form 1120** U.S. Corporation Income Tax Return for a Corporation.
  - *For information, see Publication 542 Tax Information on Corporations.*
  
- ▶ **Subchapter S Corporation** file **Form 1120S** U.S. Income Tax Return for a Subchapter S Corporations.
  - *For information, see Publication 589 Tax Information on S Corporations.*
  - *also file* **Schedule K-1, Form 1120S**
  - Shareholder's Share of Income, Credits,
  - Deductions, etc.
  - *Information on Schedule K-1, Form 1120S is available at the IRS.*

# Self Employment Tax

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## Who Has To Do It?

- Everyone is responsible for paying social security. If you are self employed, your social security contribution is made through the self employment tax.
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## How Do I Do It?

- You figure out how much to pay by completing **Form 1040 SE** along with your Individual Income Tax Return **1040**.
- If your unpaid tax will be \$400 or more you need to make payment using **Form 1040 ES** Estimated Tax for Individual.
- 
- *For information, see Publication 533 Self Employment Tax.*
- 

# Excise Tax

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## Who Has To Do It?

- If you produce or sell certain products, such as chemicals, alcoholic beverages, tobacco, guns, etc. you may have to pay excise taxes. Very few small businesses are subject to this tax but you can check with the nearest IRS office.
- 
- 

## How Do I Do It?

- Excise taxes are reported using **Form 720** Quarterly Federal Excise Tax Return.
- 
- *For information, see Publication 510 Excise Tax.*
-

# Withholding Employment Taxes For Employees

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## Who Has To Do It?

- If you have employees, you have to withhold federal income tax and Social Security (FICA) for your employees. In addition, you have to pay Federal Unemployment Tax (FUTA) and contribute a portion of FICA on behalf of your employees.

## How Do I Do It?

- **Federal Unemployment Tax (FUTA)**
- Employers pay Federal Unemployment Tax using **Form 940** Employer's Annual Federal Unemployment Tax.
- *For information, see Publication 539 Employment Taxes.*
- **Social Security (FICA) and Income Tax Withholding**
- Both Social Security (FICA) and withheld federal income tax are reported and paid on **Form 941** Employer's Quarterly Federal Tax Return.
- Publication 15, Circular E Employer's Tax Guide will give information on employment taxes, reporting and deposit requirements.



# Last Notes

## What Happens If I Don't Do It?

- The consequences for not reporting or paying taxes vary. You may get audited and/or assessed penalties.
- Furthermore, the IRS can close your business down and attach your assets. In addition to these problems, you may face problems in financing your business. You will definitely have difficulty in getting loans from banks since they require tax returns in the application. Underestimating your tax and income may backfire because the banks will think you don't have enough income to pay back the loan. If you find yourself in a situation where you cannot pay the full amount of tax due, you can arrange a payment schedule with the IRS.

## Where Do I Go?

- If all of these forms and schedules seem to be confusing, don't panic. You can get help from Personal Tax Assistance at the first floor office of the Federal Building.



### **Internal Revenue Service**

- Federal Building, Main Floor
  - 450 Golden Gate Avenue
  - San Francisco, California 94102
- 415 • 839-1040

- However, they will not do your tax return for you, but you can hire an accountant to perform this service. In addition, you might want attend an IRS sponsored Small Business Tax Workshop by signing up at the first floor of the Federal Building. These workshops are provided free of charge.

## **Employment Placement and Training**

### **Employment Development Department**

801 Turk Street  
San Francisco, Ca 94102

415 • **557-3038**

- *Free employee placement*

### **Private Industry Council**

1748 Market Street  
San Francisco, CA 94102

415 • **621-5911**

- *Job training and employee placement and referral*

## **Financial Assistance and Loan Packaging**

### **Asian, Inc.**

1670 Pine Street  
San Francisco, CA 94109

415 • **928-5910**

- *Loan packaging*

### **First Capital Cal BIDCO**

160 Spear Street, Suite 1280  
San Francisco, CA 94105

415 • **543-9593**

- *Long-term debt financing*

### **Mission Economic Development (MEDA)**

987 Valencia Street  
San Francisco, CA 94110

415 • **282-3334**

- *Loan packaging*

### **Mayor's Office of Housing, Economic Development and Small Business**

100 Larkin Street  
San Francisco, CA 94102

415 • **558-5383**

- *S.F. Small Business Loan Fund*
- *Industrial Revenue Bonds*
- *UDAG gap financing for development projects*
- *SBA loans*

### **Small Business Administration**

211 Main Street, 4th Floor  
San Francisco, CA 94105

415 • **974-0649**

- *Financial assistance for small businesses*
- *Directory of lenders*

### **Urban Economic Development Corporation**

1425 Fillmore St.  
San Francisco, CA 94115

415 • **923-0105**

- *Loan packaging*

## **Legal Referral**

### **Lawyer Referral Service**

#### **Bar Association of San Francisco**

685 Market Street, Suite 700  
San Francisco, CA 94105

415 • **764-1616**

- *Legal referral for businesses*

### **Lawyers Club of San Francisco Attorney Reference Panel**

685 Market Street, Room 750  
San Francisco, CA 94102

415 • **882-9150**

- *Legal referral for business start-ups*

# Business Support Organizations

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## Management and Technical Assistance

### Asian, Inc.

1670 Pine Street  
San Francisco, CA 94109

415 • 928-5910

- *Technical and managerial assistance*
- *Managing Asian trade associations*
- *Refugee Targeted Assistance program*

### Center for Small Business

School of Business  
San Francisco State University  
San Francisco, CA 94132

415 • 469-2397

- *Small Business Institute (SBI) program*
- *Small business workshops*
- *Information and referrals*

### Center for Professional Development

Golden Gate University  
536 Mission Street  
San Francisco, CA 94105

415 • 442-7248

- *Seminars for small business*

## Mission Economic Development Association (MEDA)

987 Valencia Street  
San Francisco, CA 94110

415 • 282-3334

*Management and technical assistance*

## Mayor's Office of Housing, Economic Development and Small Business

100 Larkin Street  
San Francisco, CA 94102

415 • 558-5383

*Business liaison & development  
San Francisco*

## Human Rights Commission

1095 Market Street, Suite 501  
San Francisco, CA 94103

415 • 558-4901

*Certifies local minority and women  
owned business*

## Small Business Administration

211 Main Street, 4th Floor  
San Francisco, CA 94105

415 • 974-0649

- *SCORE-ACE counseling*
- *Management training workshops*
- *Directory of minority small business investment corporation*

## Urban Economic Development Corporation

1425 Fillmore Street  
San Francisco, CA 94115

415 • 923-0105

- *Management and technical assistance*

## San Francisco Renaissance

1453 Mission Street, 5th Floor  
San Francisco, CA 94103

415 • 863-5336

- *Entrepreneurship training*
- *Technical assistance and support*
- *Seed capital loan fund for graduates*

## Center for Southeast Asian Refugee Resettlement

875 O'Farrell Street  
San Francisco, CA 94109

415 • 885-2743

- *Technical and management assistance*
- *Refugee loan program*

## San Francisco Chamber of Commerce Small Business Department

465 California Street, 9th Floor  
San Francisco, CA 94104

415 • 392-4520 extension 231

- *Small business workshops*
- *Small business roundtable*
- *Information resource and referral*

► Small Business Advisory Commission

City and County of San Francisco

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Mayor

**William A. Witte**  
Executive Director

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